



Legal Department

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**IDT Corporation**  
520 Broad Street  
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www.idt.net

February 25, 2004

**VIA OVERNIGHT MAIL**

K David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 32743

**RECEIVED**

**FEB 26 2004**

TN REGULATORY AUTHORITY  
TELECOMMUNICATIONS DIVISION

**Re: In the Matter of the Application of IDT America, Corp.  
For A Certificate to Provide Competitive Local  
Telecommunication Services  
Docket No. 03-00529**

Dear Executive Secretary Waddell:

On behalf of IDT America, Corp. ("IDT"), I have enclosed an original and thirteen (13) copies of IDT's responses to the February 10, 2004 letter of Mr Joe Werner of Authority Staff, a copy of which is attached to this reply.

In response to question number one, I have enclosed the requested Guaranty, signed by James A Courter, Vice Chairman and Chief Executive Officer of IDT Corporation.

IDT is continuing to prepare the information requested in question number two and anticipates providing the information shortly

In response to question number three, I have been informed that Winstar Communications, LLC ("Winstar") filed an Application with the Authority on approximately February 23, 2004.

Please date stamp the additional copy of this cover letter and return it in the enclosed self-addressed, stamped envelope

If you have any questions please contact me at [Carl.Billek@corp.idt.net](mailto:Carl.Billek@corp.idt.net).

Sincerely,

A handwritten signature in cursive script that reads "Carl Wolf Billek".

Carl Wolf Billek  
IDT America, Corp.

c. Mr Joe Werner  
Ms Patsy Fulton  
Enclosures

**ATTACHMENT 1 – Letter from Mr. Joe Werner**

# TENNESSEE REGULATORY AUTHORITY

Deborah Taylor Tate, Chairman  
Pat Miller, Director  
Sara Kyle, Director  
Ron Jones, Director



460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

February 10, 2004

Carl Wolf Bellek, Associate General Counsel  
IDT America, Corp  
520 Broad Street  
Newark, New Jersey 07102-3111

RE Docket # 03-00529

Dear Mr. Bellek:

CLEC applicants are required, by statute, to demonstrate their managerial, financial and technical abilities to provide the services for which they seek authority. We are in receipt of your Data Responses filed on November 20, 2003, however, based on the application and these responses, the Staff has additional requests. To assist the Authority in its review of IDT's application for a Certificate of Convenience and Necessity to provide competing facilities-based local services in Tennessee, you are requested to provide the following information:

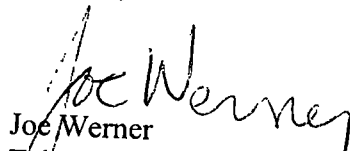
1. The Staff requested financials for the Applicant, IDT America, Corporation ("IDT") in a Data Request dated October 9, 2003, however, SEC Form 10-K for IDT Corporation ("IDT Corp"), the parent company, was provided on November 20, 2003 in response to the Data Request. Through the Sworn Testimony of James Courter filed with the Data Response on November 20, 2003 as Exhibit 3 and Staff's further conversation with Mr. Bellek on December 2, 2003, the Applicant indicated that it would provide a statement that IDT Corp. would be responsible for any funding to IDT for the provision of competitive local exchange service in Tennessee. Please provide as soon as possible.
2. Question from previous Data Request filed October 9, 2003: Provide all complaints filed with state and federal regulatory agencies involving the IDT America Corporation or affiliated companies. Identify the nature of the complaint, which governmental agency or office received the complaint, and how the complaint was resolved?  
Applicant requested that this information not be provided in the Data Response of November 20, 2003; however, through conversation with Staff on December 2, 2003, Staff indicated that this was needed to process the application.
3. Question from previous Data Request filed October 9, 2004: The Pre-Filed Testimony filed in this Docket indicates that Winstar Communications, LLC's certification was revoked by the State of Tennessee and that Winstar is making efforts to regain certification. IDT's affiliate, Winstar Communications, LLC's certificate was cancelled for failing to file UD-16 Reports for 2001 and 2002 which resulted in non payment of inspection fees. We have not

received the report, payment for the fees or a new application for certification as of this date. Please explain what efforts are being made to regain certification including filing of the reports and payment of the fees. The response in the November 20, 2003 Data Response stated: "Applicant has been informed by Winstar Communications, LLC that the appropriate filings are being prepared and are to be filed shortly with the Authority." The Authority has not received any filings or payment of fees as of this date from Winstar Communications, LLC.

4. The new bond was received and approved by our legal department January 9, 2004.

Please provide this information by February 23, 2004. If you have any questions concerning this request or need additional information, please call Patsy Fulton at 615-741-2904 ext 193

Sincerely,

  
Joe Werner  
Telecommunications Chief

Cc Docket File

**ATTACHMENT 2 – Guaranty from IDT Corporation**

## GUARANTY

IDT Corporation hereby states that it is responsible for the funding of IDT America, Corp. attendant to IDT America, Corp.'s operations as a local exchange carrier in the State of Tennessee. IDT Corporation issues this Guaranty in support of IDT America, Corp.'s application before the Tennessee Regulatory Commission for certification as a provider of local exchange carrier in Docket # 03-00529.

By: 

Name: James A. Courter

Title: CEO and Vice Chairman

State of New Jersey

County of Essex

The above-named James A. Courter appeared before me today and swore that he is the CEO and Vice Chairman of IDT Corporation and is duly authorized by it to execute the foregoing Guaranty on its behalf.

Subscribed and sworn to me this 25<sup>th</sup> day of February 2004

  
Notary Public

My Commission expires

**WENDY MOREANO**  
A Notary Public of New Jersey  
My Commission Expires 9/21/08